

Notice of Allowability

Application No.

10/827,416

Examiner

Cam N Nguyen

Applicant(s)

KASUGA ET AL.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a *DIV of application 10/100,991 (US Pat. 6,784,134).*
2. ☒ The allowed claim(s) is/are *7-11 (which have been renumbered 4-5).*
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date *11/22/04*
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Cam N Nguyen
CAM N. NGUYEN
PRIMARY EXAMINER

11/22/04

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with **Mr. Roger C. Hahn** on **November 22, 2004**.

2. The application has been amended as follows:

In the Claim

Claim 7, line 2, "using" has been changed to --with--.

Claim 7, line 5, "characterized by" has been deleted and replaced thereof with --comprises--.

Claim 7, line 5, "the catalyst" has been changed to --a catalyst--.

Claim 7, line 5, "characterized in that it is" has been deleted and replaced thereof with --which is--.

Claim 7, line 8, -- , -- has been inserted after "fibers".

Claim 7, line 8, "in which" has been deleted and replaced thereof with --wherein--

Claim 7, line 9, --from the group consisting of-- has been inserted after "from".

Claim 7, line 11, "50um to 1.5mm" has been changed to --50 um to 1.5 mm,--.

Claim 7, line 12, "2um to 20um" has been changed to --2 um to 20 um--.

Claim 8 has been canceled.

Claim 9, line 1, "claim 8" has been changed to recite --claim 7--.

Claim 10, line 2, "body has" has been deleted and replaced thereof with --bodies have--.

Claim 10, line 2, "3-10mm" has been changed to --3-10 mm--.

Claim 11, line 5, --the group consisting of-- has been inserted after "from".

Claim 11, line 6, --the group consisting of-- has been inserted after "from".

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The prior art does not disclose or fairly suggest a process for catalytic vapor phase oxidation of isobutylene, tertiary butanol or propylene with molecular oxygen using a catalyst composition containing the claimed metal components and in combination with the average fiber length and average fiber diameter as set forth in claim 7.

There is no motivation to combine the teachings of the references together.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Citations

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form prepared attached. All references are cited for related art.

Conclusion

5. Claims 7-11 were originally pending in the application. Claim 8 has now been canceled. Claims 7 & 9-11 are remaining and being allowed.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone number is (571) 272-1357. The examiner can normally be reached on M-F from 9:30 am. to 6:00 pm.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to telephone number (571) 272-1700.

Nguyen/cnn *can*

November 22, 2004


CAM N. NGUYEN
PRIMARY EXAMINER

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